

Chapter 15 – Appealing the Ratings

Providing superintendents with the opportunity to appeal accountability ratings has been a feature of the state accountability system since 1994. Superintendents may appeal the state accountability ratings for both standard and alternative education accountability (AEA) procedures, by following the guidelines provided in this chapter.

Below are the dates for appealing ratings. **These deadlines are final. To maintain a fair appeals process, no late appeals will be considered.**

APPEALS CALENDAR

June 18, 2008	<i>Dropout/Completion Lists.</i> Superintendents are given access to confidential lists of dropouts and lists of completion cohort membership. These reports provide a preview of the data that will be used to calculate the Annual Dropout Rate and Completion Rate base indicators for the state accountability ratings.
July 17, 2008	<i>Preview Data Tables.</i> Superintendents are given access to confidential preview accountability data tables for their district and campuses showing all state accountability indicator data. Principals and superintendents can use these data tables to anticipate their campus and district accountability ratings. Appeals may be submitted <i>by the superintendent</i> after receipt of the preview data tables.
August 1, 2008	<i>Ratings Release.</i> Due to the short timeline between the transmittal of the preview data tables and the ratings release date, no appeals will be resolved before the ratings release.
August 15, 2008	<i>Appeals Deadline.</i> Appeals must be postmarked no later than August 15, 2008 in order to be considered.
Late October, 2008	<i>Ratings Update.</i> The outcome of all appeals will be reflected in the ratings update scheduled for October, 2008. At that time the TEA website will be updated.

A more detailed calendar can be found in *Chapter 19 – Calendar*.

General Considerations

APPEALS ARE NOT A DATA CORRECTION OPPORTUNITY!

The numbers shown on the data tables (and later on other agency products, such as the AEIS reports) are final and cannot be changed, even if an appeal is granted.

Appeals should be based upon a data or calculation error attributable to the Texas Education Agency, regional education service centers, or the test contractor for the student assessment program. However, problems due to district errors in PEIMS data submissions or on TAKS answer sheets are considered on a case-by-case basis. Also, statute permits consideration of data reporting quality in evaluating the merits of an appeal. Poor data quality is not a valid reason to appeal.

CHANGED RATINGS ONLY

Only appeals that would result in a changed rating will be considered.

NO GUARANTEED OUTCOMES

Appeals that follow these guidelines are not guaranteed to be granted. Each appeal is evaluated based on the details of its unique situation. Well-written appeals that follow the guidelines are more easily processed, but they are not necessarily granted.

SITUATIONS NOT FAVORABLE FOR APPEAL

One strength of the state accountability system is that the rules are applied uniformly to all campuses and districts. Therefore, a request to make exceptions for how the rules are applied to a single campus or district is viewed unfavorably and will most likely be denied. Examples of some appeals seeking inconsistent rule application follow. Because some examples apply to both standard and AEA procedures and some are unique to one set of procedures or the other, the examples are subdivided accordingly:

Examples applicable to both standard and AEA procedures:

- *Campus Mobility.* A request to include the performance of students who were excluded due to the appropriate use of the campus mobility subset criteria would likely be denied.
- *Rounding.* A request to compute Required Improvement, student group percentages, or indicator values differently from the method described in this *Manual* would likely be denied.
- *Minimum Size Criteria.* A request to evaluate student groups using minimum size criteria different from those described in this *Manual* would likely be denied.
- *Campus Configuration Changes.* A request for re-computation of prior year results due to changes in campus configurations would likely be denied.

Examples applicable to standard procedures:

- *Exceptions Provision.* Exceptions are automatically applied; a request for additional exceptions or to defer use of an exception until 2009 would likely be denied.
- *Pairing.* A request to alter pairing relationships that districts had the opportunity to determine by April 25, 2008 would likely be denied.
- *New and Academically Unacceptable.* A request to assign the *Not Rated: Other* label to campuses that are *Academically Unacceptable* in their first year of operation would likely be denied.
- *Floors.* A request to waive the floor requirements when applying either the Exceptions Provision or Required Improvement would likely be denied.

Examples applicable to AEA procedures:

- *Late Registration Requests.* A request submitted after November 28, 2007 to be registered as an alternative education campus (AEC) in order to be evaluated under AEA procedures would likely be denied.

- *At-risk Criterion.* A request by AECs or charter operators to be evaluated under AEA procedures when they did not meet the at-risk criterion or applicable safeguards for 2008 ratings would likely be denied.

Guidelines

TAKS APPEALS

If a problem is identified with data received from the test contractor, the TAKS data may be appealed. An appeal of the TAKS indicators should reflect a serious problem such as a missing grade level or campus. However, coding errors on TAKS answer sheets will be considered on a case-by-case basis. Please note the following:

- If the district has requested that writing results be rescored, a copy of the dated request to the test contractor and the outcome of the rescored tests should be provided with the appeal. If the rescored results impact the rating, these appeals are necessary since rescored results may not be processed in time to include in the assessment data used to determine the accountability ratings released by August 1.
- If other serious problems are found, copies of correspondence with the test contractor should be provided with the appeal.
- Coding errors related to student demographic or program participation fields on the TAKS answer documents will be evaluated by reviewing the student's history in PEIMS.
- A request to include performance on a TAKS (Accommodated) test that is not part of the 2008 accountability system or to exclude performance that is part of this year's system would likely be denied.
- A request to alter the TEA methodology for combining the first and second administrations of grade 3 reading results, or for the first and second administrations of grade 5 and 8 reading and mathematics results would likely be denied.

Spring 2008 TAKS Corrections Window: TAKS answer documents for the 2008 testing year were redesigned to include the different versions of the TAKS, which includes the English and Spanish TAKS, as well as the English and Spanish TAKS (Accommodated). This required a new field—TEST TAKEN INFO. Because of reported errors in coding the new field, TEA offered districts the opportunity to correct the TEST TAKEN INFO field. This correction opportunity was available only for the primary administrations in the spring.

Changes to the TEST TAKEN INFO field submitted within the correction window will be included in the TAKS data files used in determining the 2008 accountability ratings. Appeals from districts that missed this corrections window would likely be denied. Corrections to fields other than the TEST TAKEN INFO field will not be used in determining accountability ratings. For accountability purposes, student identification information, demographic or program participation, and score code status will be based on the information provided on the answer document at the time of testing.

SCHOOL LEAVER PROVISION

A number of factors continue to impact school leaver data—change in the definition of a dropout, changes to the PEIMS leaver data collection, and the effect of students displaced by

Hurricane Katrina on the 2005-06 dropout rate. Therefore, the School Leaver Provision will be applied in 2008 as it was in 2007. This means that leaver indicators (either alone or in combination) cannot cause a lowered campus or district rating. The School Leaver Provision applies to Completion Rates I and II, both Annual Dropout Rates (for grades 7-8 and grades 7-12), and Underreported Students.

The School Leaver Provision will be applied automatically. There is no need to appeal any of the leaver indicators; none will cause a lowered rating.

Campuses that avoid being rated *Academically Unacceptable* in 2008 due to the application of the School Leaver Provision will be subject to technical assistance team (TAT) intervention requirements in the 2008-09 school year. Additionally, districts will be subject to identification and intervention under Performance-Based Monitoring (PBM) for dropout rates and leaver reporting.

For more information on the dropout definition changes, see *Appendix I – Dropout Definition*. For more information on technical assistance teams, see *Chapter 16 – Responsibilities and Consequences*.

GOLD PERFORMANCE ACKNOWLEDGMENT APPEALS

Gold Performance Acknowledgments (GPA) cannot be appealed. Campuses or districts that appeal an *Academically Unacceptable* rating will automatically receive any GPA earned if their appeal is granted and their rating is raised to *Academically Acceptable* or higher.

TECHNICAL ASSISTANCE TEAM (TAT) APPEALS

Campuses rated *Academically Acceptable* in 2008 under either standard or AEA procedures are identified for technical assistance teams if their 2007-08 performance does not meet the accountability standards established for the 2009 accountability system. The identification of a campus on the TAT list cannot be appealed. TAT identification occurs after the resolution of all appeals; therefore, campuses rated *Academically Acceptable* as a result of a granted appeal are considered for TAT list identification. Data are never changed as a result of granted appeals, so the data used for possible TAT identification may include data with documented quality problems. TAT identification occurs in November 2008 prior to final determination of all 2009 accountability system decisions. Should the commissioner's final decisions for 2009 alter the outcomes for any TAT-identified campuses, the TAT list will not be reconstructed. The TAT list published in November 2008 is final and all activities required for TAT listed campuses must proceed based on that list.

Special Circumstance Appeals

HURRICANES KATRINA AND RITA

The completion rates used for 2008 accountability may be negatively impacted by students who were displaced by Hurricanes Katrina or Rita during the 2005-06 school year.

A district may appeal the Completion Rate indicator when the campus or district rating is limited from the next higher rating due to a displaced student with a non-completion status. Only students with a final status of "dropout" during 2005-06 (the year of the hurricanes) will be considered favorable for appeal. This special circumstances appeal will be permitted through the 2010 accountability cycle, the last year students with a final status during 2005-06 are part of the cohort used for accountability. The district is required to supply appropriate

documentation that the student was displaced due to one of the hurricanes. This appeal category applies to both standard and AEA procedures. As with all granted appeals, no changes will be made to the data shown on the reports.

How to Submit an Appeal

Superintendents appealing an accountability rating must transmit a letter prior to the appeal deadline that includes the following:

- A statement that the letter is an appeal of the 2008 state accountability rating;
- The name and ID number of the district and/or campuses to which the appeal applies;
- The specific indicator(s) appealed;
- The problem, including details of the data affected and what caused the problem;
- If applicable, the reason(s) why the cause of the problem is attributable to the Texas Education Agency, a regional education service center, or the test contractor;
- The reason(s) why the change would result in a different rating, including calculations that support the different outcome;
- A statement that all information included in the appeal is true and correct to the superintendent's best knowledge and belief; and,
- The superintendent's signature on official district letterhead.

Other Information:

- Appeals for more than one campus within a district may be included in the same letter.
- Appeals for more than one indicator may be included in the same letter.
- Appeals of ratings issued under both standard and AEA procedures may be included in the same letter.
- Districts have only one opportunity to appeal each indicator for any campus or the district.
- When student-level information is in question, supporting information must be provided for review, i.e., a list of the students in question by name and identification number. It is not sufficient to claim data are in error without providing information with which the appeal can be researched and evaluated. *Confidential student-level documentation included in the appeal packet will be processed and stored in a secure location and will be accessible only by TEA staff authorized to view confidential student results.*
- It is the district's responsibility to ensure all relevant information is included in the appeal as districts will not be prompted for additional materials.

- The envelope should be addressed to the Division of Performance Reporting as follows:

Your ISD Your address City, TX zip	<div style="border: 1px solid black; width: 60px; height: 60px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <i>stamp</i> </div>	Division of Performance Reporting Texas Education Agency 1701 Congress Avenue Austin, TX 78701-1494
<u>Attn: Accountability Ratings Appeal</u>		

- The appeal letter should be addressed to Mr. Robert Scott, Commissioner of Education (see letter examples, below).
- Appeal letters must be postmarked on or before August 15, 2008. Appeals postmarked after this date will not be considered. Appeals delivered to TEA in person must be time-stamped in the Division of Performance Reporting by 5:00 p.m. on August 15, 2008. Overnight courier tickets or tracking documentation must indicate package pickup on or before August 15th.
- **Only send one copy of the appeal letter and/or supporting documentation.**
- Districts are encouraged to obtain delivery confirmation services from their mail courier.

Examples of satisfactory and unsatisfactory appeals are provided below for illustration.

Appeal Letter Examples

Satisfactory Appeal:	Unsatisfactory Appeals:
<p>Dear Commissioner Scott,</p> <p>This is an appeal of the 2008 state accountability rating issued for Elm Street Elementary School (ID 123456789) in Elm ISD.</p> <p>Specifically, I am appealing TAKS mathematics for the Hispanic student group. This is the only indicator keeping Elm Street Elementary from achieving a rating of <i>Academically Acceptable</i>.</p> <p>My analysis shows a coding change made to one student's ethnicity on the answer document at the time of testing was in error. One 5th grade Hispanic student was miscoded as White on the answer document. Had this student, who passed the mathematics test, been included in the Hispanic student group, the percent passing for this group would have met the <i>Academically Acceptable</i> standard. Removing this student from the White student group does not cause the White student group performance to fall below the <i>Acceptable</i> standard.</p> <p>Attached is the student's identification information as well as the PEIMS data for this student for the last six years (kindergarten through 5th grade) showing we have consistently reported this student as Hispanic.</p> <p>The second attachment shows the recalculated mathematics percent passing statistics for both the White and Hispanic student groups for Elm Elementary.</p> <p>We recognize the importance of accurate data coding, and have put new procedures in place to prevent this from occurring in the future.</p> <p>By my signature below, I certify that all information included in this appeal is true and correct to the best of my knowledge and belief.</p> <p>Sincerely,</p> <p>J. Q. Educator Superintendent of Schools</p> <p><i>attachments</i></p>	<p>Dear Commissioner Scott,</p> <p>I have analyzed the percentage passing for the economically disadvantaged mathematics students. The campus is allowed two exceptions. The floor for using the exception table is 40% for mathematics. The campus has 39%. Therefore, the campus was not able to use both exceptions. I am seeking consideration for the 39% in mathematics for the economically disadvantage student group. If granted, the school's rating would become <i>Academically Acceptable</i>. Attached is a copy of the preliminary accountability data table.</p> <p>Sincerely,</p> <p>J. Q. Educator Superintendent of Schools</p> <p><i>attachment</i></p> <hr/> <p>Dear Commissioner Scott,</p> <p>Maple ISD feels that its rating should be <i>Exemplary</i>. The discrepancy occurs because TEA shows that the performance for Hispanic Writing is 89%.</p> <p>We have sent two compositions back for scoring, and are confident they will be changed to passing.</p> <p>If you have questions, do not hesitate to contact us, at 701-555-1234.</p> <p>Sincerely,</p> <p>J. Q. Educator Superintendent of Schools</p> <p><i>(no attachments)</i></p>

How an Appeal Will Be Processed by the Agency

Once an appeal is received by the Division of Performance Reporting, the process for evaluating the information will be followed as outlined below:

- The details of the appeal are entered into a database for tracking purposes.
- Researchers evaluate the request using agency data sources to validate the statements made to the extent possible. The agency examines all relevant data, *not just the results for the students specifically named in the correspondence*.
- Researchers analyze the effect that granting a campus appeal may have on other campuses in the district (such as paired campuses), whether they are specifically named in the appeal or not. Similarly, the effect that granting a campus appeal may have on the district is evaluated, whether the district is named in the appeal or not. In single-campus districts, both the campus and the district are evaluated, whether the district submits the appeal as a campus or district appeal.
- Staff prepares a recommendation and forwards it to an external panel for review. Legislation passed in 2006 requires use of an appeals panel to ensure independent oversight of the appeals process. The use of an external, independent, three-member panel has been a feature of the state accountability system since 2004.
- The review panel examines the appeal, supporting documentation, staff research, and the staff recommendation. The panel determines its recommendation.
- The panel's recommendation is forwarded to the commissioner.
- The commissioner makes a final decision.
- The superintendent is notified in writing of the commissioner's decision and the rationale upon which the decision was made. The decision of the commissioner is final and is not subject to further negotiation at this point. The commissioner will respond in writing to each appeal received.
- *If an appeal is granted, the data upon which the appeal was based will not be modified.* Accountability and AEIS reports, as well as all other publications reflecting accountability data, must report the data as they are submitted to the TEA. Accountability data are subject to scrutiny by the Office of the State Auditor.

When a rating is changed due to a granted appeal, the letter from the commissioner serves as notification of the official rating for the district or campus. Districts may publicize the changed rating at that time. The agency website and other state accountability products will be updated after the resolution of all appeals. This update will occur in October 2008 concurrent with the release of the Gold Performance Acknowledgments. Note that the update will reflect only the changed *rating*; the values shown on the report, such as percent met standard, are never modified. Between the time of receipt of the letter granting an appeal and the update of agency state accountability products, the agency sources will not reflect the changed campus or district rating.